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PATENT
Attorney Docket No.: 021628-000810US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian P. Brockway et al.

Application No.: 10/756,188

Filed: January 12, 2004

For: THERAPEUTIC DEVICE AND
METHOD USING FEEDBACK FROM
IMPLANTABLE SENSOR DEVICE

Examiner: Unassigned

Art Unit: 3762

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Chun-Pok Leung
Reg. No. 41,405

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60346218 v1



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/756,188	
			Filing Date	January 12, 2004	
			First Named Inventor	Brockway, Brian P.	
			Art Unit	3762	
			Examiner Name	Unassigned	
Sheet	1	of	2	Attorney Docket Number	021628-000810US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	AA	US-6,600,949 B1	07-29-2003	Turcott	
	AB	US-6,575,912 B1	06-10-2003	Turcott	
	AC	US-6,527,729 B1	03-04-2003	Turcott	
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	AE	US-6,491,639 B1	12-10-2002	Turcott	
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	AH	US-6,259,936 B1	07-10-2001	Boggett et al.	
	AI	US-6,033,366	03-07-2000	Brockway et al.	
	AJ	US-5,865,749	02-02-1999	Doten et al.	
	AK	US-5,487,760	01-30-1996	Villafana	
	AL	US-5,431,685	07-11-1995	Alt	
	AM	US-5,269,301	12-14-1993	Cohen	
	AN	US-4,846,191	07-11-1989	Brockway et al.	
	AO	US-4,774,950	10-04-1988	Cohen	
	AP	US-2002/0107559 A1	08-08-2002	Sanders et al.	
	AQ	US-2002/0072731 A1	06-13-2002	Doten et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.
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Substitute for form 1449B/PTO

Complete if Known

(use as many sheets as necessary)

Sheet

2

of

2

Application Number

10/756,188

Filing Date

January 12, 2004

First Named Inventor

Brockway, Brian P.

Art Unit

3762

Examiner Name

Unassigned

Attorney Docket Number

021628-000810US

NON PATENT LITERATURE DOCUMENTS

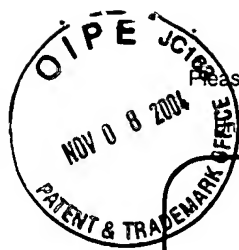
[illegible]

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Signature

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Considered

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.



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RPTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/756,188		
	Filing Date	January 12, 2004	
	First Named Inventor	Brockway	
	Group Art Unit	3762	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	5	Attorney Docket Number	021628-000810US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Return receipt postcard 2) Ombudsman reference
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. Total number of pages <u>does not</u> include cited references.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Chun-Pok Leung	Reg No. 41,405
Signature		
Date	November 1, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:			
		November 5, 2004	
Typed or printed name	Christopher R. Fitting		
Signature		Date	November 5, 2004

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